

EXHIBIT A-1

81

IN THE CIRCUIT COURT
21ST JUDICIAL CIRCUIT
ST. LOUIS COUNTY, MISSOURI

2009 DEC -1 AM 11:27

RADHA GEISMANN,
GREG GEISMANN

Plaintiffs,

v.

AMERICAN AIRLINES, INC.

Defendant.

SERVE AT:

CT Corporation System
120 South Central Ave.
Clayton, MO 63105

Case No. 08SL-AC45509

Division No. 42

AMOUNT OVER \$ 3,000

Day: W

PETITION

COMES NOW, Plaintiffs, Greg and Radha Geismann, by and through undersigned counsel, and for their cause of action against Defendant, American Airlines Inc., states to this Honorable Court the following:

PARTIES

1. At all relevant times, Plaintiffs are natural persons residing in St. Louis County, Missouri.
2. At all relevant times, Defendant is a corporation engaged in airline transportation doing business in the State of Missouri.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the Defendant under the laws of the State of Missouri because the transaction that is the subject of this suit occurred in St. Louis County, Missouri

4. Venue is proper in this Court because a substantial part of the events and omissions giving rise to this claim occurred in St. Louis, County, Missouri.

COUNT I - BREACH OF CONTRACT

5. On or about May 23, 2008, Plaintiffs purchased from Defendant through Expedia, a duly authorized travel agent, two air passage tickets from St. Louis to Kolkata India. Plaintiffs purchased said tickets for the purpose of attending a wedding ceremony in India.

6. Plaintiffs paid a total of four thousand two hundred fifty four dollars and eighty cents (\$4254.80) for their fares, and Defendant agreed to transport Plaintiffs as passengers on the following destinations: departing St. Louis for Calcutta India on December 17, 2008, and departing Calcutta India for St. Louis Missouri on December 28, 2008.

7. A true and correct copy of the agreement is attached hereto, marked **EXHIBIT 1** and incorporated by reference in this petition.

8. On or about October 26, 2008, Defendant cancelled Plaintiffs' flight arrangements. A true and correct copy of Defendant's cancellation is attached hereto, marked **EXHIBIT 2** and incorporated by reference in this petition.

9. Defendant undertook a course of conduct in breach of its contract with Plaintiffs in the following manner:

A. Defendant failed to honor, complete and follow-up with the ticketing of Plaintiffs' reservation despite Plaintiffs' confirmed booking with Defendant.

B. Defendant failed to provide Plaintiffs with reasonable transportation alternatives, and failed to re-book Plaintiffs on similar departing and / or arriving flights

C. Defendant failed to provide Plaintiffs with timely notice of the cancellation, thereby causing Plaintiffs to cancel wedding plans arrangements.

10. Prior to Defendant's breach of contract, Plaintiffs performed all conditions precedent to

enforcement of the contract, and Plaintiffs performed all obligations under the contract by tendering payment to Defendant in the amount of \$ 4254.80

11. As a direct result of Defendant's cancellation, Plaintiffs have suffered the following damages:

A. Plaintiffs were required to purchase new airline tickets at higher fares;

B. Plaintiffs lost income from employment for the additional travel time of the journey purchased by the new tickets;

C. Plaintiffs have been forced to retain the services of an attorney to prosecute the present action.

WHEREFORE, Plaintiffs, Greg and Radha Geismann, prays this Court enter an order against Defendant, American Airlines granting the following:

- A. A judgment for the amount of \$ 4,892.00, representing the air passage tickets purchased by Plaintiffs, and reimbursement for the price differential to procure alternative more expensive travel arrangements
- B. An award for loss of income in the amount of \$ 1,650.00 for the days delayed by the new travel plans.
- C. Attorney fees expended by Plaintiffs to prosecute the present action;
- D. Costs and expenses of suit;
- E. Such other and further relief as this Court deems necessary.

COUNT II - UNJUST ENRICHMENT

COMES NOW Plaintiffs, Greg and Radha Geismann, and for Count II of their Petition against Defendant states to this Honorable Court as follows:

12. Plaintiffs repeat and reallege the allegations set forth in Paragraphs 1 through 11 as if the same were more fully set forth.

13. On or about May 23, 2008, Plaintiffs paid \$ 4,254 to Defendant for airline passenger transportation.

14. Defendant has failed to and refused to honor Plaintiffs confirmed booking.

15. As a direct result of the above actions, Defendant has been unjustly enriched in an amount not to exceed ten thousand dollars (\$ 10,000.00).

WHEREFORE, Plaintiffs, Greg and Radha Geismann, prays this Court enter an order against Defendant, American Airlines granting the following:

- A. A judgment for the amount of \$ 4,892.00, representing the air passage tickets purchased by Plaintiffs, and reimbursement for the price differential to procure alternative more expensive travel arrangements
- B. An award for loss of income in the amount of \$ 1,650.00 for the days delayed by the new travel plans.
- C. Attorney fees expended by Plaintiffs to prosecute the present action;
- D. Costs and expenses of suit;
- E. Such other and further relief as this Court deems necessary.

COUNT III - VIOLATIONS OF MISSOURI MERCHANDISING PRACTICES ACT

COMES NOW Plaintiffs, Greg and Radha Geismann, and for Count III of their Petition against Defendant states to this Honorable Court as follows:

16. Plaintiffs incorporate the allegations in the foregoing paragraphs as though fully set forth herein.

17. Section 407.020 Revised Missouri Statutes provides in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense false promise misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the State of Missouri, is declared to be an unlawful act.

18. Defendant has engaged in the following deceptive practices;

A. Promised to provide air passenger services to Plaintiffs, but cancelled their confirmed booking;

B. Solicited money from Plaintiffs for a reservation number and booking itinerary, but did not issue an air ticket to Plaintiffs

C. Misled Plaintiffs to believe that air transportation was confirmed

D. Failed to schedule Plaintiff for alternative air travel after cancelling fare.

WHEREFORE, Plaintiffs, Greg and Radha Geismann, prays this Court enter an order against Defendant, American Airlines granting the following:

A. A judgment for the amount of \$ 4,892.00, representing the air passage tickets purchased by Plaintiffs, and reimbursement for the price differential to procure alternative more expensive travel arrangements

- B. An award for loss of Income in the amount of \$ 1,650.00 for the days delayed by the new travel plans.
- C. Attorney fees expended by Plaintiffs to prosecute the present action;
- D Costs and expenses of suit;
- E ~~Such other and further relief as this Court deems necessary.~~



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ATTORNEY FOR PLAINTIFFS

Kolkata, India



Proof of citizenship is required for international travel. When children are traveling, additional documentation may also be necessary. **It is your responsibility to meet entry requirements for the countries you are traveling to and connecting through.** To learn more, or to purchase a passport or visa, visit the CIBT VISA Service Website.

Booked items

Although this itinerary doesn't qualify for ThankYou Points, you can still earn points if you add a hotel booking today or any time before you travel.



Learn more about how to earn points for future bookings.

Flight: St. Louis to Delhi

[back to top](#)

Expedia itinerary number: **123817894568**
 Airline ticket number(s): 0017347464520-522
 American Airlines confirmation code: BVMFAP

Main contact: Greg Geismann
 E-mail: showmolgl@hotmail.com
 Home phone: (314) 8729310
 Work phone: (314) 8729310

Traveler and cost summary

Greg Geismann	Adult	Requested: Kosher	
		American Airlines #9R41V04	\$1,600.00
		<u>Update Frequent Flyer number(s)</u>	
Radha Geismann	Adult	American Airlines #9R41V04	\$1,600.00
		<u>Update Frequent Flyer number(s)</u>	
		Taxes & Fees	\$1,040.80
		Booking Fee	<u>\$14.00</u>
		Total (Discover Network)	\$4,254.80

[Change this flight](#) [View cancellation information](#)

Flight summary

Please be sure to re-confirm your flight at least 24 hours prior to scheduled departure (72 hours prior for flights to Hawaii and international destinations). You may check your flight status and departure gate online, or contact the airline directly. For international destinations, please confirm your flight with the airline at least 72 hours prior to departure. Seat assignments, meal preferences, and special requests must be confirmed with the airline; we cannot guarantee that they will be honored. Free and special meals are not available on many flights.

All passengers travelling to the USA must provide country of residence and details of the address they will be staying upon arrival (street name and number, city, zip code and state), during check-in. Failure to provide this may result in flight boarding being denied by the airline.

Traveling to Delhi

Wed 17-Dec-08

St. Louis (STL) to Chicago (ORD) 255 mi
 Depart 4:55 pm Arrive 6:15 pm (410 km)
 Duration: 1hr 20mn Flight: 1496

Economy/Coach Class ([Seat assignments upon check-in](#) [More Information](#)), S80

Chicago (ORD) to Delhi (DEL) 7,475 mi
 Depart 7:45 pm Arrive 9:55 pm +1 day (12,030 km)

EXHIBIT 1

Duration 14hr 40mn Flight 292

Economy/Coach Class (Seat assignments upon check-in [\[1\] More information](#)). Dinner, Boeing 777

Total distance 7,730 mi (12,440 km)

Total duration 16hr 0 mn (17hr 30mn with connections)

Traveling to Kolkata

✈ Fri 19-Dec-08

Delhi (DEL) to Kolkata (CCU)
Depart 6.15 am Arrive 8.15 am816 mi
(1,313 km)
Duration 2hr 0mnAA
Flight 5699
Operated by JET AIRWAYSEconomy/Coach Class (Seat assignments upon check-in [\[2\] More information](#)), Breakfast, Boeing 737-800
Please check in with Jet Airways. If checking in at a kiosk, use your name rather than confirmation number

Total distance 816 mi (1,313 km)

Total duration 2hr 0mn

Traveling to St. Louis

✈ Sun 28-Dec-08

Kolkata (CCU) to Delhi (DEL)
Depart 5.25 pm Arrive 7.35 pm816 mi
(1,313 km)
Duration 2hr 10mnAA
Flight 5701
Operated by JET AIRWAYSEconomy/Coach Class (Seat assignments upon check-in [\[3\] More information](#)), Snack, BOEING 737-700 (WINGLETS) PASSENGER
Please check in with Jet Airways. If checking in at a kiosk, use your name rather than confirmation number

✈ Mon 29-Dec-08

Delhi (DEL) to Chicago (ORD)
Depart 12.55 am Arrive 5.05 am7,475 mi
(12,030 km)
Duration 15hr 40mnAA
Flight 293Economy/Coach Class (Seat assignments upon check-in [\[2\] More information](#)), Breakfast, Boeing 777Chicago (ORD) to St. Louis (STL)
Depart 7.15 am Arrive 8.25 am255 mi
(410 km)
Duration 1hr 10mnAA
Flight 407Economy/Coach Class (Seat assignments upon check-in [\[2\] More information](#)), \$80

Total distance 8,546 mi (13,753 km)

Total duration: 19hr 0mn (26hr 30mn with connections)

Airline rules & regulations

- Please note that the most restrictive set of rules applies to your entire itinerary
- **St. Louis, MO (STL-Lambert-St. Louis Intl.) to Chicago, IL (ORD-O'Hare)** (and return)
Tickets are nonrefundable. A fee of \$100.00 per ticket will be charged for itinerary changes after the tickets are issued, provided that the booking rules were followed
- **Chicago, IL (ORD-O'Hare) to Kolkata, India (CCU-Netaji Subhash Chandra Bose Intl.)** (and return)
A fee of \$200.00 per ticket will be charged for itinerary changes after the tickets are issued, provided that the booking rules were followed
- **Chicago, IL (ORD-O'Hare) to St. Louis, MO (STL-Lambert-St. Louis Intl.)** (and return)
Tickets are nonrefundable. A fee of \$100.00 per ticket will be charged for itinerary changes after the tickets are issued, provided that the booking rules were followed.
- In addition to any penalties imposed by the airline, a processing fee of up to \$30.00 per ticket will be charged by Expedia for any changes you make to the flights in this itinerary
- Tickets are nontransferable and name changes are not allowed
- This price includes a nonrefundable \$14.00 booking fee
- Please read important information regarding [airline liability limitations](#)
- Prices do not include [baggage fees or other fees](#) charged directly by the airline

- Other penalties may apply.
- See an overview of all the rules and restrictions applicable for this fare.
- View the complete penalty rules for changes and cancellations associated with this fare.

Special requests

We will forward your requests to the travel vendor, but as these are subject to availability we can not guarantee that they will be honored. Some special requests (e.g., ski racks, rollaway beds) may incur additional charges from the vendor.

Free and special meals are not available on many flights.

Flight: St. Louis to Delhi to Kolkata to St. Louis

Greg Geismann

Meal: Kosher

Customer Support

Itinerary number: 123817894568.

If you have questions about your reservation, fill out our itinerary assistance form. We'll respond within 24 hours: For immediate assistance call Expedia at 1-800-EXPEDIA (**1-800-397-3342**) or **1-404-728-8787** and have the itinerary number ready.

EXHIBIT 1

URGENT: PLEASE CALL Flight change for GREG GEISMANN

From: notifications@expedia.com

Sent: Sun 10/26/08 5:12 AM

To: SHOWMOLGL@HOTMAIL.COM

Dear Expedia.com Traveler,

American Airlines has:

- * Changed the departure time for 1 of your flights.
- * Changed the arrival time for 1 of your flights.

Please contact us at 1-800-EXPEDIA (1-800-3...) or 1-404-7... to review th

Itinerary number: 123817894568

Booking ID: BVMFAP

View your itinerary on-line at:

<http://Expedia.com/pub/agent.dll?qscr=open&itid=238178945&updt=1>

Keep in mind that your on-line itinerary will reflect these changes after all revi

Please do not reply to this e-mail as this mailbox is not monitored.

Thank you for choosing Expedia.com!

For Internal use only

- * TPID: 1
- * TUID: 25219504
- * Itinerary Number: 123817894568

EXHIBIT 2